

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

BITCO GENERAL INSURANCE
CORPORATION

PLAINTIFF

v.

Case No. 4:18-cv-4119

C-SQUARED OF ARKANSAS, INC.
and SAMSAND, LLC

DEFENDANTS

ROCKHILL INSURANCE COMPANY

INTERVENOR

ORDER

Before the Court is Intervenor Rockhill Insurance Company's Motion to Adopt. (ECF No. 29). No party has responded to the motion and the time to do so has passed. *See* Local Rule 7.2(b). The Court finds the matter ripe for consideration.

On August 16, 2019, Plaintiff BITCO General Insurance Corporation filed a motion for summary judgment. (ECF No. 27). On August 19, 2019, Intervenor filed the instant motion, indicating that it seeks the same relief as Plaintiff. Thus, Intervenor moves pursuant to Federal Rule of Civil Procedure 10 to adopt Plaintiff's summary judgment motion and supporting papers.

Rule 10 governs the form of pleadings and provides that "a statement in a pleading may be adopted by reference . . . in any other pleading or motion." Fed. R. Civ. P. 10(c). The Federal Rules of Civil Procedure define "pleadings" as: (1) a complaint; (2) an answer; (3) an answer to a counterclaim designated as a counterclaim; (4) an answer to a crossclaim; (5) a third-party complaint; (6) a third-party answer; and (7) a reply to an answer, if ordered by the court. Fed. R. Civ. P. 7(a). "No other paper will be considered a pleading except those specifically named in Rule 7(a)." *George v. Davis*, No. 3:13-cv-3058-PKH, 2015 WL 463114, at *1 (W.D. Ark. Feb. 4,

2015).

Plaintiff's motion for summary judgment is not a pleading as defined by Rule 7(a), so Rule 10 does not allow incorporation by reference of the arguments made therein. However, the Court generally permits a party to adopt by reference the arguments of another party. *See Bell v. Mine Safety Appliances*, No. 1:13-cv-1075-SOH, 2015 WL 10939978, at *1 (W.D. Ark. Nov. 24, 2015); *Chaffin v. Eichert*, No. 3:09-cv-0002-JLH, 2011 WL 291345, at *2 (E.D. Ark. Jan. 27, 2011). The filing of a summary judgment motion is to isolate and dispose of factually unsupported claims and defenses before trial, *see Celotex Corp. v. Catrett*, 477 U.S. 317, 323-24 (1986), and it is in the best interest of the parties and the Court to further this purpose. *Bell*, 2015 WL 10939978, at *1.

Upon consideration, the Court finds that Intervenor's motion to adopt (ECF No. 29) should be and hereby is **GRANTED**. Intervenor hereby adopts and incorporates Plaintiff's summary judgment motion (ECF No. 27) and all supporting documents. In the future, it is unnecessary for a party seeking to adopt another party's arguments to file a motion to that effect. Instead, the adopting party need only file a statement saying that it adopts by reference another party's motion and arguments, and the Court will consider the adopted motion as having been jointly made by both parties.

IT IS SO ORDERED this 4th day of September, 2019.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge